

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN WAYNE ZIBOLSKY,

Plaintiff,

v.

Case No. 17-cv-1196-pp

JOSHUA JOHNSON,

Defendant.

ORDER DISMISSING CASE WITHOUT PREJUDICE

On July 16, 2018, the court issued an order instructing the plaintiff to inform the court in writing by July 30, 2018 if he wanted to continue with this case. Dkt. No. 27. The court informed the plaintiff that, if he did not want to continue with this case, he did not have to take any further action. The court clarified, “If the court does not hear from the plaintiff by July 30, 2018, it will . . . dismiss this case without prejudice.” Id. The deadline has passed, and the court has heard nothing from the plaintiff.

The court notes that when he filed his case, the plaintiff said he was in the Wisconsin Resource Center in Winnebago, Wisconsin. Dkt. No. 1 at 6. That was a year ago—August of 2017. Id. In February 2018, the clerk’s office made a docket notation that, according to the plaintiff’s state probation officer, his most recent address was St. John’s Shelter in Green Bay, Wisconsin. In March of this year, the court received a motion from the plaintiff, asking the court to appoint him a lawyer; he listed his address as a different shelter, on Mather Street in Green Bay. Dkt. No. 20. In April, he contacted the clerk’s office and

gave them two addresses: both the St. John's Shelter in Green Bay, *and* an address on St. Clair Street in Manitowoc. On May 31, 2018, the court received a letter from the plaintiff, saying that he'd been in custody since May 2, 2018 at the Brown County Jail. Dkt. No. 23. On June 18, 2018, the court received a motion from the plaintiff; that motion still listed his address as the Brown County Jail. Dkt. No. 25. The court has been sending the plaintiff's mail to the Brown County Jail since June 2018; the two items the court has sent have not been returned as undeliverable.

The court also sees from the Wisconsin Circuit Court Access Program that the plaintiff has a misdemeanor case pending in Manitowoc County, State v. John W. Zibolsky, 2018CM000212. <https://wcca/wicourts.gov> (last visited August 21, 2018). For his last hearing (the initial appearance) in mid-June, the plaintiff appeared in that court on a writ, presumably from the Brown County Jail. The court has no reason to believe that the plaintiff is not in the Brown County Jail, and he has not contacted the court to provide any other address.

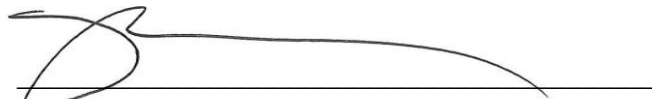
The court can only conclude that the plaintiff does not wish to proceed with this case. The court will dismiss the case without prejudice. The plaintiff may refile his case later, if the relevant statute of limitations has not expired. If the plaintiff re-files his complaint, the court will open a new case, which means

the plaintiff will have to pay a new filing fee (or file a motion asking the court to allow him to proceed without prepaying the filing fee).

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE**.

Dated in Milwaukee, Wisconsin, this 22nd day of August, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge